

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application:

1. (currently amended) A method for handling ~~wireless~~ messaging errors in a wireless network resulting from an attempted receipt of a message by a wireless telephone comprising the steps of:

receiving a message notification from a first messaging switch, the message notification being associated with a message at a second messaging switch;

initially attempting to retrieve the message from the second messaging switch;

if an error message describing an error condition is received from the second messaging switch, then

classifying the error condition as temporal or permanent; and if the error condition is temporal, then

automatically performing a plurality of retry attempts to retrieve the message, each retry attempt being performed after a corresponding waiting period has passed since the previous attempt to retrieve the message.

2. (original) The method of claim 1, wherein each waiting period is longer than the preceding waiting period.

3. (original) The method of claim 2, wherein each retry attempt comprises the steps of:

determining whether the wireless telephone is currently in use; and
attempting to retrieve the message when the wireless telephone is not in use.

4. (original) The method of claim 3, further comprising the steps of:

determining whether a second message has been successfully sent to or

received from the wireless telephone;

upon determination that a second message has been sent or received from the wireless telephone, attempting a retry for the message without waiting the corresponding waiting period.

5. (original) The method of claim 1, wherein the first messaging switch is associated with text messages, and the second messaging switch is associated with multimedia messages.

6. (original) The method of claim 5, wherein the first messaging switch includes an SMSC and the second messaging switch includes an MMSC.

7. **(original)** The method of claim 1, wherein the wireless telephone is provided with a maximum number of retry attempts and further comprising the step of:
modifying the maximum number of retry attempts.

8. (original) The method of claim 7, further comprising the step of:
modifying the length of one or more of the corresponding waiting periods.

9. (original) A method for handling wireless messaging errors resulting from an attempted receipt of a message by a wireless telephone comprising the steps of:

- receiving a message notification from a first messaging switch, the message notification being associated with a message at a second messaging switch;
- initially attempting to retrieve the message from the second messaging switch;

if an error message describing an error condition is received from the second messaging switch, then

classifying the error condition as temporal or permanent and if the error condition is temporal then:

automatically performing a first retry attempt to retrieve the message, the first retry attempt being performed after a first waiting period has elapsed after the

classifying step;

automatically performing a second retry attempt to retrieve the message, the second retry attempt being performed after a second waiting period has elapsed after the first retry attempt; and

automatically performing a third retry attempt to retrieve the message, the third retry attempt being performed after a third waiting period has elapsed after the second retry attempt.

10. (original) The method of claim 9, wherein the third waiting period is longer than the second waiting period, and the second waiting period is longer than the first waiting period.

11. **(original)** The method of claim 10, wherein the third waiting period is 10 minutes, the second waiting period is three minutes, and the first waiting period is 30 seconds.

12. (original) The method of claim 9, wherein the first, second and third retry attempts each comprise the steps of:

determining whether the wireless telephone is currently in use; and
attempting to retrieve the message when the wireless telephone is not in use.

13. (original) The method of claim 12, further comprising the steps of:

determining whether a second message has been successfully sent to or received from the wireless telephone;

upon determination that the second message has been sent or received from the wireless telephone, attempting a retry for the message without waiting the corresponding waiting period.

14. (original) The method of claim 9, wherein the first messaging switch is associated with text messages, and the second messaging switch is associated with multimedia messages.

15. (original) The method of claim 14, wherein the first messaging switch includes an SMSC and the second messaging switch includes an MMSC.

16. (original) The method of claim 9, further comprising the step of:
modifying the length of the first, second, and third waiting periods.

17. (new) The method of claim 1, further comprising the steps of:
counting a current number of retry attempts; and
when the current number of retry attempts exceeds a predetermined number,
terminating the performance of retry attempts, and
providing a message retrieval failure notification.

18. (new) The method of claim 7, wherein the maximum number of retry attempts is modified according to a change in a monitored characteristic of the wireless network.

19. (new) The method of claim 18, wherein the monitored characteristic is selected from the group consisting of load, capacity, availability and success rate of message transmission.

20. (new) The method of claim 7, wherein the maximum number of retry attempts is modified according to a physical location of the wireless telephone.

21. (new) The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a change in a monitored characteristic of the wireless network.

